

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA**

Alexandria Division

IN RE:

Case No. 10-15047-RGM

JOSEPH ROBERTS, AKA JOSEPH A. ROBERTS, AKA  
JOSEPH ALAN ROBERTS, AKA JOE ROBERTS

Debtor

Chapter 13

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JPMORGAN CHASE BANK NATIONAL ASSOCIATION

Movant

vs.

JOSEPH ROBERTS, AKA JOSEPH A. ROBERTS, AKA  
JOSEPH ALAN ROBERTS, AKA JOE ROBERTS

Debtor/Respondent

and

THOMAS P. GORMAN

Trustee/Respondent

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**MOTION FOR RELIEF FROM AUTOMATIC STAY**

COMES NOW, JPMorgan Chase Bank, National Association (the "Movant"), by and through counsel, Stephen B. Wood and Bierman, Geesing, Ward & Wood, LLC, and respectfully represents as follows:

1. Jurisdiction is based on 11 U.S.C. § 362(d)-(f).
2. Movant is a mortgage lender/servicer.
3. On or about June 17, 2010 Joseph Roberts, aka Joseph A. Roberts, aka Joseph Alan Roberts, aka Joe Roberts (the "Debtor") filed a Voluntary Petition in this Court under Chapter 13 of the United States Bankruptcy Code.
4. Thomas P. Gorman is the Trustee of the Debtor's estate.
5. At the time of the initiation of these proceedings, the Debtor owned a parcel of real estate located in the District of Columbia, and improved by a residence known as 1435 4th Street Southwest, Unit # B-311, Washington, DC 20024 (the "Property").
6. The Property is encumbered by a Deed of Trust securing the Movant and recorded among the land records of the jurisdiction in which all or part of the Property lies (the "Deed of Trust").
7. The Deed of Trust secures payment of a promissory note in the original principal amount of \$299,225.00 now payable to Movant (the "Note"). (Copies of the Note and Deed of Trust are attached hereto and filed as Exhibits "1" and "2," respectively.)
8. The amount due to Movant under the terms of the Note as of September 03, 2010 is approximately \$341,680.84 plus per diem interest and other advances made by the Movant (i.e., taxes, insurance), and attorney's fees and court costs related to this motion.

9. The Debtor is in default under the terms of the Note and Deed of Trust. The Movant has accelerated the entire balance of the Note and Deed of Trust and interest continues to accrue on a daily basis. (An Arrearage Worksheet is attached hereto and filed as Exhibit "3".)

10. The Debtor is due and owing for the July 01, 2010 post-petition payment and all payments thereafter. Debtor has failed to make 3 post petition payments in the total amount of \$6,313.95. The Property is not necessary for an effective reorganization by the Debtor.

11. The Movant believes and avers that there is no equity in this Property since the total liens against the Property will effectively exceed the value of the Property. The current year tax assessed value of the Property is \$319,980.00. The fair market value of the Property at this time will not likely support a value that is more than the aggregate amount of the outstanding lien(s) against the Property.

12. The Movant lacks adequate protection of its interest in the Debtor's Property. The Movant has been and continues to be irreparably injured by the stay of Section 362 of the Bankruptcy Code which prevents Movant from enforcing its rights under the Note and Deed of Trust. Cause exists for lifting the automatic stay imposed by Section 362 of the Bankruptcy Code to enable the Movant to enforce its rights under the terms of the Note and Deed of Trust.

WHEREFORE, the Movant prays that this Court:

1. Enter an order lifting the automatic stay imposed by § 362 of the Bankruptcy Code to enable Movant to proceed with the foreclosure sale of the Property and to exercise all of the rights and remedies available to Movant pursuant to applicable state law and the terms of the Deed of Trust and Note; and

2. Grant such other and further relief as necessary.

**NOTICE TO ALL PARTIES SERVED:**

YOU SHALL HAVE FOURTEEN (14) DAYS FROM  
THE DATE OF SERVICE OF THIS MOTION IN  
WHICH TO FILE WITH THE COURT A WRITTEN  
RESPONSE, WITH A COPY TO THE MOVANT.

Dated: September 08, 2010

Respectfully Submitted,  
**Bierman, Geesing, Ward & Wood, LLC**

/s/ Stephen B. Wood  
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*Attorney for the Movant*

**CERTIFICATE OF SERVICE**

I certify that on this 8th day of September, 2010, the following person(s) were served electronically via the CM/ECF system, or were mailed a copy of the foregoing Motion for Relief from Automatic Stay by first class, postage prepaid:

Thomas P. Gorman, Trustee  
300 N. Washington St. Ste 400  
Alexandria, VA 22314

John L. Lilly, Jr., Esq.  
10195 Main Street, Suite I  
Fairfax, VA 22031

Joseph Roberts, aka Joseph A. Roberts, aka Joseph Alan Roberts, aka Joe Roberts  
1435 4th Street Southwest, Unit # B-311  
Washington, DC 20024

Joseph Roberts, aka Joseph A. Roberts, aka Joseph Alan Roberts, aka Joe Roberts  
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/s/ Stephen B. Wood  
Stephen B. Wood

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